GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Andhra Pradesh Civil Services (Executive Branch) Rules, 1992 – Deputy Collectors – Recommendations of Review Departmental Promotion Committee held on 27.11.2015 for inclusion of the name of Sri D.Venkateswara Rao, Tahsildar, in the Adhoc Panel of Deputy Collectors – Approved – Orders – Issued.

REVENUE (SER.I) DEPARTMENT

G.O.MS.No. 30 Dated: 27-01-2016

Read the following :-

1. G.O.Rt.No.1502, Revenue (Ser.I) Department dated 17.10.2012
2. G.O.Ms.No.677, Revenue (Ser-I) Department dated 07.12.2012 read with G.O.Ms.No.173, Revenue (Ser-I) Department dated 04.04.2013
3. Govt., Memo No.53926/Ser-I(1)/2012, Revenue (Ser-I) Department dated 27.11.2013
4. From the Hon'ble Andhra Pradesh Administrative Tribunal in its final orders dated 17.09.2014 in O.A.No.9498/2012 with VMA No.2107/2013 and C.A.No.413/2014 filed by Sri D.Venkateswara Rao, Tahsildar.
5. From the Hon'ble Andhra Pradesh Administrative Tribunal Notice dated 06.12.2014 in C.A.No.1765/2014 in O.A.No.9498/2012 filed by Sri D.Venkateswara Rao, Tahsildar.
6. From the Chief Commissioner of Land Administration, Hyderabad, Lr.No.D1/Ser.I(1)/917/2013 dated 28.11.2015 along with minutes of meeting of review DPC dated 27.11.2015

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ORDER :

In the G.Os 1st & 2nd read above, Government have accorded Adhoc promotions to the Tahsildars including Section Officers and Superintendents to the category of Deputy Collector in the Adhoc Panel year 2012-2013, basing on the seniority list proposed by the then Special Chief Secretary & Chief Commissioner of Land Administration, Hyderabad. But, the names of Sri D.Venkateswara Rao, has been passed over during the above panel year due to pending of ACB case against him.

2. Aggrieved by the above, Sri D.Venkaeswara Rao, Tahsildar, Pendurthi, Viskhapatanam has filed O.A.No.9498/2012 before the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad and the Hon'ble Tribunal has passed the following interim orders dated 05.12.2012 in said O.A:-

> "Pending disposal of the O.A., there shall be an interim direction to the respondents to consider the case of the applicant for promotion to the post of Deputy Collector along with the other candidates while effecting promotions, without reference to the FIR No. 04/RC/08/ACB/VSKP pending against him."

3. In the Government Memo 3rd read above, instructions have been issued to the Chief Commissioner of Land Administration, A.P., Hyderabad, that the trap case against Sri D.Venkateswara Rao, Tahsildar, was entrusted to Tribunal for Disciplinary Proceedings as such the charges have to be framed and served on the individual by the Tribunal for Disciplinary Proceedings as per the APCS (DTP) Rules, 1961. The individual has represented that no charges have been served by the Tribunal on him for the last 4 years. Hence this case needs to be examined under G.O.Ms.No.66, G.A (Ser.C) Dept., dated 30.01.1991. However, while placing his case before the DPC, the subsistence of penalty of stoppage of annual grade increments without cumulative effect awarded to the individual vide proceedings 23.12.2009 shall also have to be kept in view as the Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad have not indicated the date of increment of the individual and requested to take necessary action accordingly, keeping in view of the interim orders of the Hon'ble Tribunal dated 05.12.2012 in O.A.No.9498/2012 and furnish proposals to the Government for taking further action.

[P.T.O]

4. In the reference 4th read above, the Hon'ble Tribunal in its final orders dated 17.09.2014 in O.A.No.9498/2012 with VMA No.2107/2013 and C.A.No.413/2014, while quoting the above instructions of the Govt., dated 27.11.2013, directed the 1st respondent (i.e., CCLA, A.P.) to take necessary action in the matter, keeping in view the interim orders dated 05.12.2012 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. With the above direction, the O.A. disposed of and the VMA & the CA stand closed. Subsequently, Sri D.Venkateswara Rao, Tahsildar has filed ***C.A.No.1765/2014 in O.A.No.9498/2012*** before the Hon'ble Tribunal for not implementing the orders of the Hon'ble Tribunal dated 17.09.2014 in O.A.No.9498/2012.

5. In the letter 5th read above, the Chief Commissioner of Land Administration, has conducted the Review Departmental Promotion Committee on 27.11.2015 and the Review Departmental Promotion Committee have reviewed the case and in pursuance to the orders of the Hon'ble Tribunal dated 17.09.204 in C.A.No.413/2014 in O.A.No.9498/2012, Sri D.Venkateswara Rao, Tahsildar, Zone-I may be considered for promotion to the cadre of Deputy Collector subject to review after finalization of disciplinary case pending before the Tribunal for Disciplinary Proceedings.

6. The provisions of Rule 5 of the A.P. State & Subordinate Service Rules, 1996 is as follows :-

> **"SELECTION POSTS** : ***(a) All first appointments to a State Service and all promotions / appointment by transfer in that service shall be made on grounds on merit and ability, seniority being considered only where merit and ability are approximately equal, by the appointing authority as specified in sub-rule (a) of rule 6 from the panel of candidates. Such panel shall be prepared as laid down in rule 6 by the appointing authority or any other authority empowered in this behalf."***

Keeping in view of the above rule position, all promotions to the State services shall be made after approval of the DPC proceedings.

7. Government after careful examination of the matter hereby approve the Recommendations of the Review Departmental Promotion Committee held on 27.11.2015 subject to review after finalization of disciplinary case pending before the Tribunal for Disciplinary Proceedings and also subject to the following conditions.

(i) It is subject to outcome of pending O.As/ W.Ps/ SLPs, respectively and any other cases pending before any court of law.
(ii) The seniority/placement of officer as shown in this panel may also be subject to change.

8. The Promotion and posting orders of the individual will be issued separately.

9. The Chief Commissioner of Land Administration, Andhra Pradesh is requested to furnish the date of birth, native districts and present place of working of the above officer to the Government for taking further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.C.SHARMA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad.
SF/SC.

// FORWARDED BY ORDER //

SECTION OFFICER